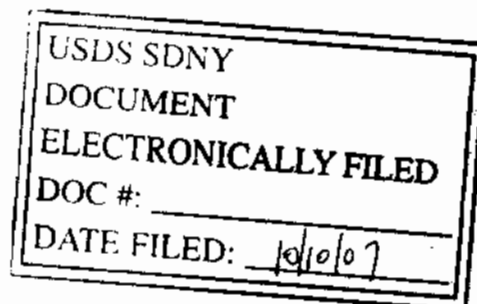


COPY FOR  
CHAMBERS

David L. Mazaroli (DM-3929)  
Attorney for Plaintiff  
11 Park Place - Suite 1214  
New York, NY 10007-2801  
Tel. (212)267-8480  
Fax (212)732-7352  
e-mail: dlm@mazarolilaw.com



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

INDEMNITY INSURANCE COMPANY  
OF NORTH AMERICA,

Plaintiff,

- against -

LAKEVILLE MOTOR EXPRESS, INC.;  
H & B TRUCK LINE INC.;

Defendants.

07 Civ. 4807 (CM)

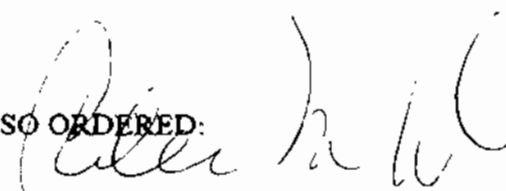
**STIPULATION & ORDER  
OF DISCONTINUANCE**

A settlement agreement having been reached, it is hereby stipulated and agreed that this action is discontinued as to all parties pursuant to Rule 41 (a) (1)(ii) Federal Rules of Civil Procedure, with prejudice but with each party to pay its own costs and attorney fees.

It is further stipulated and agreed that, if the settlement funds are not paid within sixty (60) days of the entry of this order, this action will be restored to the active docket of this Court upon letter application of plaintiff's counsel.

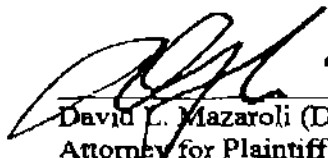
Dated: New York, New York  
October 9, 2007

SO ORDERED:

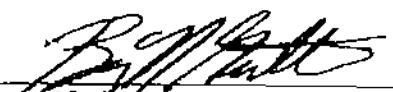
  
Honorable Colleen McMahon  
United States District Judge

07 Civ. 4807 (CM)  
Stipulation & Order  
of Discontinuance  
Page 2

LAW OFFICES,  
DAVID L. MAZAROLI

  
\_\_\_\_\_  
David L. Mazaroli (DM 3929)  
Attorney for Plaintiff  
11 Park Place - Suite 1214  
New York, New York 10007  
Tel.: (212)267-8480  
Fax.: (212)732-7352  
E-mail: dlm@mazarolilaw.com  
File No.: 6G-1323

Barry N. Gutterman & Associates, P.C.  
Attorneys for Defendants  
LAKEVILLE MOTOR EXPRESS, INC.

By   
\_\_\_\_\_  
Barry N. Gutterman (BNG-6410)  
The Lincoln Building  
60 East 42nd Street, 46<sup>th</sup> Floor  
New York, New York 10165  
Tel. (212)983-1466